IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 2358 of 2007(E)

PETITIONER:

T.HARIDASAN,
THAROL HOUSE, EKAROOL P.O., UNNIKULAM VIA.,
KOYILANDY, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

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1. STATE OF KERALA, REP.BY SECRETARY,
DEPARTMENT OF HOME, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
KOZHIKODE.

3. THE ADDL. DISTRICT MAGISTRATE,
KOZHIKODE.

4. JOINT CHIEF CONTROLLER OF EXPLOSIVES,
SOUTH CIRCLE, DEPARTMENT OF EXPLOSIVES,
MARSHELLS ROAD, EGMOR, CHENNAI.

5. THE VILLAGE OFFICER,
KOZHUKKALLUR, KOZHIKODE.

BY G.P.SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Thottathil B. Radhakrishnan, J.

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W.P.(C)No.2358 of 2007

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Dated this the 30th day of January, 2007.

JUDGMENT

Petitioner is aggrieved by Ext.P5 stop memo issued by the Village Officer preventing quarry. The said decision of the Village Officer is specifically stated to be on the basis of the decision of the second respondent District Collector to cancel the explosive licence given to the petitioner. The said decision which is referred to in Ext.P5 is shown to be dated 26-12-2006. Learned counsel for the petitioner urges that he has not been given any opportunity of being heard in relation to the decision of the Village Officer. According to the petitioner, the District Collector does not have the power to cancel the licence and therefore, Ext.P5 is without any foundation and the same has to fall.

2. Having heard the learned counsel for the petitioner and the learned Government Pleader, I am satisfied that the petitioner is entitled to agitate

his objections in relation to the cancellation of licence as referred to in Ext.P5.

In the circumstances, this writ petition is disposed of directing that on production of a copy of this judgment and a copy of this writ petition, the second respondent will ensure that an authentic copy of his decision referred to in Ext.P5 is issued so that the petitioner can work out his remedies in accordance with law, particularly, when the Explosives Law would themselves provide certain statutory measures.

Thottathil B.Radhakrishnan,
Judge.

sl.